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08/21/01  
JC962 U.S. PTO

Practitioner's Docket No. MBIO1998-061CP1CN1(M)

PATENT

Preliminary Classification:  
Proposed Class:  
Subclass:

J1002 U.S. PTO  
09/934289  
08/21/01

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Samantha J. Busfield

For (title): NOVEL MOLECULES OF THE HERPES VIRUS-ENTRY-MEDIATOR-RELATED PROTEIN FAMILY AND USES THEREOF

### CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

#### MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10\*

☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Address"  
Mailing Label No. EL791758534US  
(mandatory)

#### TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office (703)

Date: August 21, 2001

Signature

Paul Paglierani

(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).  
"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

**1. Type of Application**

This transmittal is for a continuation application.

**2. Benefit of Prior U.S. Applications (35 U.S.C. Sections 119(e), 120, or 121)**

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are  
ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.  
APPLICATIONS CLAIMED.

**3. Papers Enclosed**

A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design)  
Application

110 Pages of Specification

6 Pages of Claims

13 Sheets of Drawing(s)--Informal

1 Page of Abstract

B. Other Papers Enclosed

N/A

**4. Additional Papers Enclosed**

2 Pages of a copy of Amendment, Petition and fee for Extension of Time filed in parent  
application on even date herewith;

2 Pages of a Copy of Assignment as filed in parent application;

6 Pages of a Copy of the Notice of Recordation of Assignment Document (Merger) as filed in  
parent application;

2 Pages of a Copy of Declaration/Power of Attorney as filed in parent application;

Copy of computer-readable sequence listing as filed in parent application;

31 Pages of paper copy of sequence listing as filed in parent application; and

1 Page of a Copy of Verified Statement Under 37 CFR §1.821(f) as filed in parent application.

**5. Declaration or Oath**

Enclosed

Executed by: Samantha J. Busfield

**6. Inventorship Statement**

The inventorship for all the claims in this application is the same.

**7. Language**

English

**8. Assignment**

A copy of the assignment of the invention to Millennium Biotherapeutics, Inc. as filed in the parent application is attached. A copy of accompanying FORM PTO 1595 is also attached.

A copy of the Notice of Recordation of Assignment Document (Merger) of Millennium Biotherapeutics, Inc. into Millennium Pharmaceuticals, Inc. as filed in the parent application is also attached. A copy of the accompanying FORM PTO 1595 is also attached.

**9. Fee Calculation (37 C.F.R. Section 1.16)**

Regular Application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$710.00
Total Claims (37 CFR 1.16(c))	22	- 20 =	2 x	\$18.00	\$36.00
Independent Claims (37 CFR 1.16(b))	2	- 3 =	0 x	\$80.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))	0		+	\$270.00	\$0.00
Filing Fee Calculation					\$746.00

**10. Fee Payment Being Made at This Time**

Enclosed

Filing Fee \$746.00

**Total Fees Enclosed** \$746.00

(New Application Transmittal--page 3 of 5)

**11. Method of Payment of Fees**

Charge Account No. 501668 in the amount of \$746.00.  
A duplicate of this transmittal is attached.

**12. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to SECTION 1.136(a))

37 C.F.R. Section 1.17 (application processing fees)

**13. Instructions as to Overpayment**

Credit Account No. 501668.

**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATIONS CLAIMED**

**14. Relate Back**

Amend the specification by inserting, before the first line, the following sentence:

“This application is a continuation of U.S. application serial number 09/342,767, filed June 29, 1999, which claims priority from U.S. application serial number 09/146,950, filed September 3, 1998, both of which are hereby incorporated by reference.”

**15. Maintenance of Copendency of Prior Application**

**A. Extension of Time in Prior Application**

A petition, fee and response extends the term in the pending **prior** application until August 21, 2001.

A **copy** of the petition filed in prior application is attached.

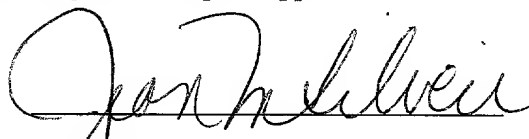
**16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

- a. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor in this application is the same.

**17. Abandonment of Prior Application**

Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

Date: August 21, 2001



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Registration No. 39,030  
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PATENT  
ATTORNEY DOCKET NO. 09404/079001  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Samantha J. Busfield                      Art Unit:  
Serial No.:    Examiner:  
Filed : June 29, 1999  
Title : NOVEL MOLECULES OF THE HERPESVIRUS-ENTRY-MEDIATOR-  
RELATED PROTEIN FAMILY AND USES THEREOF

**Box Patent Application**

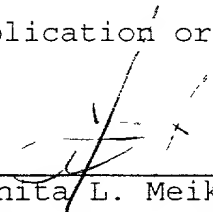
Assistant Commissioner for Patents  
Washington, DC 20231

VERIFIED STATEMENT UNDER 37 CFR §1.821(f)

I, Anita L. Meiklejohn, declare that the content of the paper and computer readable copies of the Sequence Listing filed herewith are the same and that the sequence listing contains no new matter.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 29 JUNE 1999

  
Anita L. Meiklejohn, Ph.D.  
Reg. No. 35,283

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382007.B11

"EXPRESS MAIL" Mailing Label Number EW4541276145

Date of Deposit June 29, 1999  
I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office To Addressee" with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Nathaniel Maden